

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF APRIL 23, 2009

Stephen Huddleston, J.D., President called the meeting to order at 9:47 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer
Member, President
Robert Allen, M.D.
Worthe Holt, Jr., M.D.
Navin Barot, M.D., Vice President
Donald Vennekotter, M.D.
Thomas Akre, D.O., Secretary
Bharat Barai, M.D.

Staff Present: Kristen Kelley, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Allen/Akre, 6/0/0
Motion carries

The Board voted to adopt the minutes of the March 26, 2009 meeting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Barot/Akre, 6/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following hearings were continued:

Roger Pinc, M.D., License No. 01057317A, Cause No. 2008 MLB 0041

David Joseph Scruby, M.D., License No. 01027861A, Cause No. 2008 MLB 0043

Michael Jackson, M.D., License No. 01050912A, Cause No. 2009 MLB 0001

Lawrence Bailey, Jr., M.D., License No. 01033348A, Cause No. 2002 MLB 0025

Respondent did appear in person and was not represented by counsel regarding a Petition for Reinstatement of Licensure scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

Dr. Bailey submitted documentation of his completion of the KStar program in Texas. KStar is a program designed for physicians who have been out of practice for a period of time and wish to return.

Dr. Bailey submitted proof that he has taken and passed the SPEX as required by the Board.

Dr. Bailey also completed four (4) months of a mini residency at John P. Smith Hospital

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to WITHDRAW the Order of Probation.

Holt/Vennekotter, 7/0/0
Motion carries

Richard Carr, M.D., License No. 01057827A, Cause No. 2009 MLB 0006

Respondent did appear in person and was not represented by counsel regarding a Settlement Agreement scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

A settlement between the Respondent and the Attorney General's Office was presented to the Board for review. The settlement included INDEFINITE PROBATION with terms and conditions.

After reviewing the agreement and taking its file into consideration the Board moved to ACCEPT the agreement.

Barai/Barot, 6/0/1, with Dr. Akre abstaining
Motion carries

Brett Conway, M.D., License No. 01061547A, Cause No. 2009 MLB 0005

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

A settlement between the Respondent and the Attorney General's Office was presented to the Board for review. The settlement included INDEFINITE PROBATION with terms and conditions. Respondent may not petition for withdrawal until he provides certified documentation that he has successfully completed probation in Illinois and his Illinois Medical License is active with no restrictions.

After reviewing the agreement and taking its file into consideration, the Board moved to ACCEPT the agreement.

Barai/Akre, 5/0/1, with Dr. Vennekotter abstaining
Motion carries

Daniel Scott Dietrich, M.D., License No. 01053360A, Cause No. 2008 MLB 0042

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

After having considered the evidence presented and taking its file into consideration, the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Holt/Allen, 7/0/0
Motion carries

Nilda Durany, M.D., License No. 01029781A, Cause No. 1998 MLB 0020

Respondent did appear in person and was represented by Herbert Laser regarding a Petition to Withdrawal the Order of Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

Dr. Durany has taken and passed the SPEX as required by the Board and has completed several CME's.

She has been practicing with Dr. Desai since January 9, 2009.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to WITHDRAW the Order of Probation.

Barai/Barot, 7/0/0
Motion carries

Joseph Koenigsmark, D.O., License No. 02001067A, Cause No. 2008 MLB 0030

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for the matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

The Respondent's Kentucky was placed on Indefinite Suspension on February 17, 2006. Illinois followed suite and placed his license on Suspension based upon action taken in Kentucky. His Ohio license is active.

He is currently practicing at the VA hospital in Louisville, Kentucky.

After having considered the evidence presented and taking its file into consideration, the Board found the Respondent in violation of all counts listed in the State's complaint.

Akre/Barai, 5/1/1, with Dr. Barot objecting and Dr. Allen abstaining
Motion carries

The Board further moved to place the Respondent's license on INDEFINITE PROBATION with the following terms and conditions:

- Provide copies of CME's on prescribing and Record Keeping
- Take and pass the SPEX within six (6) months
- Must work in a family practice setting or urgent care with double coverage
- Submit to the Board a narcotic log for the first six (6) months
- Supervisor must submit reports monthly for the first six (6) months and then quarterly thereafter
- Respondent may not request withdrawal of probation for a period of five (5) years.

Akre/Holt, 3/3/0, with Dr's. Barai, Barot and Vennekotter objection
Motion fails

After further discussion the Board moved to place the Respondent's license on INDEFINITE PROBATION with the following terms and conditions:

- Provide copies of CME's on prescribing and Record Keeping
- Take and pass the SPEX within six (6) months
- Must work in a family practice setting or urgent card with double coverage
- Submit to the Board a narcotic log for the first six (6) months
- Supervisor must submit reports monthly for the first six (6) months and the quarterly thereafter
- Respondent may not request withdrawal of probation for a period of two (2) years.

Vennekotter/Holt, no vote
Motion fails

After further discussion the Board moved to place the Respondent's license on INDEFINITE PROBATION with the following terms and conditions:

- Provide copies of CME's on prescribing and Record Keeping
- Take and pass the SPEX within six (6) months
- Must work in a family practice setting or urgent card with double coverage
- Submit to the Board a narcotic log for the first six (6) months

- Supervisor must submit reports monthly for the first six (6) months and the quarterly thereafter
- Respondent may not request withdrawal of probation for a period of two (1) year.

Vennekotter/Barai, 6/0/1, with Dr. Allen abstaining
Motion carries

**Christopher Scott Nelson, M.D., License No. 01050912A, Cause No. 2008
MLB 0045**

Respondent did appear in person and was represented by Robert Saint regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board for review. The agreement included INDEFINITE SUSPENSION with terms and conditions. Respondent may not request withdrawal of the suspension until he has six (6) months compliance with his ISMA contract and submits proof that his Michigan license is no longer suspended.

After reviewing the agreement and taking its file into consideration, the Board moved to ACCEPT the agreement.

Allen/Barot, 4/0/3, with Dr's. Akre, Vennekotter and Barai abstaining
Motion carries

**Igwebuike Onyekaba, M.D., License No. 01045490A, Cause No. 2009 MLB
0007**

Respondent did appear in person and was not represented by counsel regarding a Settlement Agreement scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

An agreement between the Respondent and the Attorney General's Office was presented to the Board for review. The agreement included a LETTER OF

REPRIMAND and proof of Continuing Education credits submitted to the Georgia Medical Board.

After reviewing the agreement and taking its file into consideration, the Board moved to ACCEPT the agreement with one minor change. Paragraph number four (4) should be changed to state ".....relating to disciplinary action filed March 10, 2009 against Respondent's.....". The Respondent and the Attorney General's Office agreed verbally to this change.

Barot/Akre, 6/0/1, with Dr. Allen abstaining
Motion carries

Deborah Ann Redd, M.D., License No. 01048156A, Cause No. 2002 MLB 0039

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw Order of Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D.

Dr. Fred Frick, ISMA and Rich Gustafson, Executive Director Beacon House were sworn in as witnesses for the Respondent.

Dr. Frick testified that the Respondent has been a model participant and that ISMA endorses the withdrawal of probation.

Mr. Gustafson testified that Dr. Redd has been a poster woman on how the program should work and they also endorse the withdrawal of probation.

Dr. Redd informed the Board that her sobriety date is November 16, 2002 and she has not had any relapses. She is fully compliant with her terms of probation.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to WITHDRAW the Order of Probation.

Akre/Allen, 6/0/0
Motion carries

Blythe Harriet Snow, D.O., License No. 02002684A, Cause No. 2009 MLB 0004

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of

Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Allen/Holt, 6/0/0
Motion carries

Michael Todd Adams, M.D., License No. 01045935A, Cause No. 2005 MLB 0058

Respondent did appear in person and was not represented by counsel regarding a Petition to Modify Order of Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D

Dr. Adams informed the Board that he wants to have his terms of probation modified by removing the restriction on the amount of hours he can work and eliminating the narcotics log he must submit to the Board.

His Ohio order was changed in 2008 to reflect both changes.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE the MODIFICATION REQUEST by DELETING terms 6 (B) "Respondent must keep a log of all controlled substances prescribed and submit it to the Board thirty (30) days before his personal appearance." and 6 (G) "Respondent may not work any more than fifty (50) hours per week unless approved by the Board and must submit logs of his work, date, time and place to the Board."

Barot/Vennekotter, 6/0/0
Motion carries

Stephanie Colson Sharpe, M.D., License No. 01051569A, Cause No. 2007 MLB 0017

Respondent did appear before the Board and was represented by Bruce Boja regarding a Petition to Modify the Order of Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

Candace Backer, ISMA was sworn in to testify.

Ms. Backer indicated that ISMA has approved Dr. Sharpe to continue her monitoring with ISMA.

Last month the Board modified the term 2 (b) "Dr. Sharpe shall maintain her recovery monitoring contract with the Indiana State Medical Association program and comply with the terms of the contract" with the monitoring agreement signed by Dr. Moe.

After having considered the evidence presented, testimony of the witness and taking its file into consideration the Board APPROVED the original language of term 2(b) "Dr. Sharpe shall maintain her recovery monitoring contract with the Indiana State Medical Association program and comply with the terms of the contract" be added back into the terms of her Probationary Order. The Board also requested that a copy of her ISMA contract be sent to the Board as part of her record.

Barai/Allen, 6/0/0
Motion carries

Kamal Kumar Tiwari, M.D., License No. 01034945A, Cause No. 2008 MLB 0047

Respondent did appear in person and was represented by Arend Abel and Jeremy Tempel regarding a Proposed Settlement Agreement/PreHearing Conference scheduled before the Board. The State of Indiana was represented by Michael Minglin, Deputy Attorney General, Tom McGee, Deputy Attorney General and Terry Richmond, Deputy Attorney General, and the court report sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D., Thomas Akre, D.O.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to CONTINUE the final disposition of this case until the April 2012 Board meeting.

Akre/Holt, 6/0/1, with Dr. Barai abstaining
Motion carries

PERSONAL APPEARANCES

INITIAL/RENEWAL APPLICANT

The following appeared before the full Board for their scheduled personal appearances and were sworn in under oath.

Marvin Goldberg, D.O. – Dr. Goldberg appeared before the Board regarding a positive response on his reapplication for licensure and to discuss his employment history and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D, Thomas Akre, D.O.

Dr. Goldberg stated that he has had two (2) malpractices in his fifty (50) years of practice.

Dr. Goldberg couldn't tell the Board when he last practiced in an office setting.

After discussion the Board TABLED Dr. Goldberg's application and requested that Dr. Goldberg obtain an evaluation through one of the Board's approved assessment programs which are CPEP, PACE, Florida Cares & C.A.P.

Holt/Barai, 7/0/0
Motion carries

Britt Borden, M.D. – Dr. Borden appeared before the Board regarding positive responses on his initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D, Thomas Akre, D.O.

Candace Backer, ISMA was sworn in as a witness.

Dr. Borden informed the Board that he has had five and a half (5 ½) years of sobriety with no relapses. His sobriety date is October 14, 2003.

Ms. Backer testified that due to his length of sobriety it is not necessary for him to sign a contract with ISMA.

After discussion the Board moved to APPROVE Dr. Borden for licensure.

Barai/Barot, 7/0/0
Motion carries

Charlotte Baker, M.D. – Dr. Baker appeared before the Board regarding a waiver of the three (3) attempts rule 844 IAC 4-4.5-12 and a positive response on her initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D, Thomas Akre, D.O.

Dr. Baker informed the Board that she has a job offer from Wabash County Hospital as an Adult Psychiatrist. She also submitted a letter from Mr. Crawley, CEO of Wabash Hospital requesting that Dr. Baker be granted a waiver.

After discussion the Board moved to TABLE this matter until Mr. Crawley could appear with Dr. Baker. The Board requests that Mr. Crawley focus on the difficulty they have had filling this position and the community need for this physician.

Allen/Vennekotter, 7/0/0
Motion carries

Mark Glasgow, M.D. – Dr. Glasgow appeared before the Board regarding positive responses on his initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O.

Candace Backer, ISMA was sworn in as a witness.

Dr. Glasgow completed his contract with the Kentucky Physicians Health Foundation in July 2008. His sobriety date is November 7, 2002.

Ms. Backer testified that due to his length of sobriety it was not necessary for him to sign a contract with ISMA.

After discussion, the Board moved to APPROVE Dr. Glasgow for licensure.

Holt/Akre, 6/0/0
Motion carries

Susan Anderson, M.D. – Dr Anderson did not appear for her scheduled personal appearance.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D., Thomas Akre, D.O.

This matter will be reset for next month.

CONSENSUS

Khaled Osman, D.O. – Dr. Osman appeared before the Board regarding a positive response on his initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Navin Barot, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O.

After discussion the Board moved to APPROVE Dr. Osman for licensure.

Akre/Vennekotter, 6/0/0
Motion carries

DISCUSSION

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

In the Matter of Robert Craig Gregori, M.D. – Dr. Gregori sent a request to the Board for a modification of his final order. He indicates that the information contained in the order is not what the Board stated during his hearing.

The Board requests that Dr. Gregori appear for this matter and that it be set for next month.

CONSENSUS

OLD BUSINESS/NEW BUSINESS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Northside Anesthesia Services request for guidance on Office Based Setting Rules 844 IAC 5.5: Andrew Satz, M.D. appeared before the Board last month requesting the Board's opinion concerning his situation in regards to the Office Based Sedation Rule.

He is a physician that is currently working as an Anesthesiologist in a Dental facility. He is inquiring whether the Dental facility would need to be accredited according to the Office Based Sedation rule.

The Board requested that a letter be sent to the Dental Board members requesting that they consider adopting similar rules to the Medical Board's Office Based Procedure rules.

CONSENSUS

The Board also continued discussion from last month regarding the State Department of Health's request for the Board to consider changing the law to allow physicians to prescribe to sexual partners of patients with a sexually transmitted disease, without first having seen/examined the patient. It was decided that we would put together a subcommittee to review these rules, including ISDH, ISMA, a representative from an ER physician association. Dr. Vennekotter & Dr. Allen agreed to be the Board representatives on the subcommittee.

CONSENSUS

REVIEW OF INITIAL APPLICATIONS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

The Board reviewed the positive response information on the following applicants and approved them for issuance: Holt/Barai, 7/0/0

Sean Collins, M.D.
Priyanka Kakar, M.D.
Patricia Miller-Canfield, M.D.

Aris Kalnins, M.D.
David Kline, M.D.

PERMIT/LICENSURE APPLICATIONS

The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Allen/Barot, 7/0/0

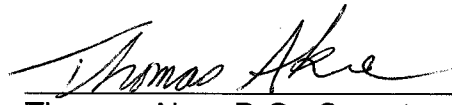
Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Navin Barot, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Gary Armock, Initial App
Christine Collins, Initial App
Dianna Keiserman, Initial App
Kristin Lange, Initial App

Andrea Boyd, Initial App
Natalie Cooper, 10000919A
Thomas Malott, 10000716A

There being no further business the Board adjourned at 4:30 p.m.

Stephen Huddleston, J.D., President



Thomas Akre, D.O., Secretary